

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SABRINA HART on behalf of herself, all similarly situated, and the Proposed New York Rule 23 Class,

Plaintiff,

V.

RICK'S CABARET INTERNATIONAL INC.,
 RCI ENTERTAINMENT (NEW YORK) INC.,
 PEREGRINE ENTERPRISES, INC.,

Defendants.

Case No. 09-CV-3043 JGK/THK

**AFFIDAVIT OF
E. MICHELLE DRAKE**

[illegible]

E. Michelle Drake, being duly sworn, states as follows:

1. I am one of the attorneys for the Plaintiffs in the above-entitled matter. I have personal knowledge of the facts set forth in this Affidavit and if called as a witness for this purpose, I could and would testify competently under oath to them.

2. I submit this Affidavit in support of Plaintiff's Motion for Class Certification.

3. A true and correct copy of the following documents are attached hereto to
as exhibits:

EXHIBIT 1: Proposed Class Notice;

EXHIBIT 2: Excerpts from Rick’s Cabaret Int’l, Inc., Annual Report (Form 10-K), dated September 30, 2005;

EXHIBIT 3: Excerpts from Rick’s Cabaret Int’l, Inc., Annual Report (Form 10-K), dated September 30, 2005 Amended;

- EXHIBIT 4:** Excerpts from Rick's Cabaret Int'l, Inc., Annual Report (Form 10-K), dated September 30, 2006;
- EXHIBIT 5:** Excerpts from Rick's Cabaret Int'l, Inc., Annual Report (Form 10-K), dated September 30, 2007;
- EXHIBIT 6:** Excerpts from Rick's Cabaret Int'l, Inc., Annual Report (Form 10-K), dated September 30, 2008;
- EXHIBIT 7:** Excerpts from Rick's Cabaret Int'l, Inc., Quarterly Report (Form 10QSB), dated August 14, 2008;
- EXHIBIT 8:** Printout of the page of Defendant Rick's website that list club locations, as accessed on June 7, 2009. The webpage is also available at: <http://www.ricks.com/club.aspx>;
- EXHIBIT 9:** Excerpts from the deposition transcript of Eric Langan taken on July 15, 2008;
- EXHIBIT 10:** Printout of Defendant Rick's homepage, as accessed on June 7, 2009. Defendant's homepage is also available at: <http://www.ricks.com>;
- EXHIBIT 11:** Printout of Defendant's webpage that lists career opportunities, as accessed on June 7, 2009. The webpage is also available at: <http://www.ricks.com/careers.aspx>;
- EXHIBIT 12:** Entertainer Guidelines for New York;
- EXHIBIT 13:** Rick's Cabaret Int'l, Inc., Earnings Call Transcript (F2Q08), dated May 8, 2008;
- EXHIBIT 14:** Entertainer Charge Summary;
- EXHIBIT 15:** Masson v. Ecolab, Inc.,
No. 04 Civ. 4488, 2005 WL 2000133
(S.D.N.Y. Aug. 17, 2005);
- EXHIBIT 16:** Mazur v. Olek Lejbzon & Co.,
No. 05 Civ. 2194, 2005 WL 3240472
(S.D.N.Y. Nov. 30, 2006);
- EXHIBIT 17:** Damassia v. Duane Reade, Inc.,
No. 04 Civ. 8819 (GEL), 2006 WL 2853971
(S.D.N.Y. Oct. 5, 2006);

EXHIBIT 18: Sipas v. Sammy's Fishbox, Inc.,
2006 WL 1084556
(S.D.N.Y Apr. 24, 2006);

EXHIBIT 19: Krueger v. N.Y. Tel. Co.,
No. 93 Civ. 0178-79, 1993 WL 276058
(S.D.N.Y. July 21, 1993); and

EXHIBIT 20: Class Notice in Lynch v. United Servs. Auto. Ass'n.

FURTHER YOUR AFFIANT SAYETH NOT.

s/E. Michelle Drake
E. Michelle Drake

Subscribed and sworn to before me
15th day of June 2009.

s/Heather J. O'Neil
Notary Public

My Commission Expires January 31, 2012